

NO. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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JAMES COLLEY, JR. – PETITIONER

VS

STATE OF FLORIDA – RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County.

Petitioner's Application for Criminal Indigent Status and appointment of Public Defender and Order of Insolvency for Appeal Purposes are attached hereto.

Respectfully submitted,

MATTHEW J. METZ  
PUBLIC DEFENDER  
SEVENTH JUDICIAL CIRCUIT

/s/Nancy Ryan  
NANCY RYAN  
ASSISTANT PUBLIC DEFENDER  
FLORIDA BAR NO. 0765910  
444 Seabreeze Blvd. Suite 210  
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(386) 254-3758  
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IN THE CIRCUIT/COUNTY COURT OF THE 7<sup>th</sup> JUDICIAL CIRCUIT  
 IN AND FOR ST. JOHN'S COUNTY, FLORIDA

STATE OF FLORIDA CASE NO. 15-1248CF  
 vs. JAMES TERRY COLLEY JR  
 Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER  
 OR  
 I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK  
 DETERMINATION OF INDIGENCE STATUS FOR COSTS

**Notice to Applicant:** The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 2 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid  weekly  bi-weekly  semi-monthly  monthly  yearly  
 (Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments.)
- I have other income paid  weekly  bi-weekly  semi-monthly  monthly  yearly:  
 (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
 

Social Security benefits.....	Yes \$ <u>0</u>	No
Veterans' benefit.....	Yes \$ <u>0</u>	No
Unemployment compensation.....	Yes \$ <u>0</u>	No
Child support or other regular support from family members/spouse.....	Yes \$ <u>0</u>	No
Union Funds.....	Yes \$ <u>0</u>	No
Workers compensation.....	Yes \$ <u>0</u>	No
Rental income.....	Yes \$ <u>0</u>	No
Retirement/pensions.....	Yes \$ <u>0</u>	No
Dividends or interest.....	Yes \$ <u>0</u>	No
Trusts or gifts.....	Yes \$ <u>0</u>	No
Other kinds of income.....	Yes \$ <u>0</u>	No
- I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")
 

Cash.....	Yes \$ <u>300</u>	No
Savings.....	Yes \$ <u>0</u>	No
Bank account(s).....	Yes \$ <u>0</u>	No
Stocks/bonds.....	Yes \$ <u>0</u>	No
Certificates of deposit or money market accounts.....	Yes \$ <u>0</u>	No
*Equity in Real estate (excluding homestead).....	Yes \$ <u>200,000.00</u>	No

*NOT REACHABLE*

\*Equity in Motor vehicles/Boat..... Yes \$ 0 No  
 Other tangible property..... Yes \$ 0 No  
 \*include expectancy of an interest in such property

- I have a total amount of liabilities and debts in the amount of \$ \_\_\_\_\_
- I receive: (Circle "Yes" or "No")
 

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	<input checked="" type="checkbox"/> No
Poverty-related veterans' benefits.....	Yes	<input checked="" type="checkbox"/> No
Supplemental Security Income (SSI).....	Yes	<input checked="" type="checkbox"/> No
- I have been released on bail in the amount of \$ 0  Cash  Surety  
 Posted by:  Self  Family  Other \_\_\_\_\_

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 8 day of September, 2015

Date of Birth 7/23/1980 Signature of Applicant for Indigent Status  
JAMES TERRY COLLEY JR  
 Drivers License or ID Number \_\_\_\_\_ Print Full Legal Name

Phone Number \_\_\_\_\_ Address \_\_\_\_\_  
 Email \_\_\_\_\_ City, State, Zip \_\_\_\_\_

NOTICE: If the applicant is determined by the clerk to be Not Indigent, you may seek judicial review at your next scheduled court appearance.

**CLERK'S DETERMINATION**

- Based on the information in this Application, I have determined the applicant to be  Indigent  Not Indigent pursuant to F.S. 27.52.  
 The Public Defender is hereby appointed to the case listed above until relieved by the Court. Application fee of \$50 is assessed pursuant to F.S. 27.56(1)(b).

Dated this 9th day of Sept, 2015 Clerk of the Circuit Court

This form was completed with the assistance of [Signature]  
 Clerk/Deputy Clerk/Other authorized person.

15001248CF

**IN THE CIRCUIT COURT OF THE SEVENTH CIRCUIT  
IN AND FOR ST. JOHNS COUNTY, FLORIDA**

STATE OF FLORIDA

CASE NO: 15-1248CF

v.

**JAMES TERRY COLLEY, JR.,  
Defendant.**

**ORDER APPOINTING PUBLIC DEFENDER FOR  
PURPOSE OF APPEAL AND ADJUDGING DEFENDANT INSOLVENT**

IT APPEARING to the Court that the above-named Defendant has expressed a desire to appeal in the above cause, and

It further appearing to the Court that the said Defendant is an insolvent person and unable to pay costs in this cause, it is therefore, upon consideration thereof

ORDERED AND ADJUDGED by the Court as follows:

1. That said Defendant is hereby adjudged to be an indigent person.
2. That the Office of the Public Defender be, and is hereby appointed to represent said Defendant in effecting his appeal in said cause.
3. That the costs of these proceedings, including record-on-appeal, filing fee, transcripts and other costs of such appeal shall be borne by the State of Florida.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 12 day of December, 2018.



CIRCUIT JUDGE

cc:  
Office of the State Attorney ([eservices@johns@sao7.org](mailto:eservices@johns@sao7.org))  
Garry Wood, Esq. ([garrywood2011@hotmail.com](mailto:garrywood2011@hotmail.com))  
Office of the Public Defender